UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CIVIL CONFERENCE
MINUTE ORDER

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 1-30-2017
TIME: 10:24 a.m. (30 minutes)

McClurkin v. Suffolk et al.
CV 15-5685 (JFB) (AKT)

TYPE OF CONFERENCE: **TELEPHONE STATUS CONFERENCE**

APPEARANCES: Plaintiff: Bryan McClurkin, Pro Se

Defendants: Arlene S. Zwilling (Suffolk County, Charles Wagner, Edward Masone)

(#216 Unnamed Officer Assigned Shield)

(Yaphank and Riverhead Sert Team)

FTR: 10:24-10:54

THE FOLLOWING RULINGS WERE MADE:

1. Court set today's conference to discuss the pro se plaintiff's filing of DE 22 and 23. Judge Bianco asked this Court to find out if plaintiff is attempting to amend his complaint in light of the new allegations contained in his letters. The pro se plaintiff confirmed that he wishes to add his most recent grievances to his pleading. I advised Mr. McClurkin that he must file a letter request for a pre-motion conference to Judge Bianco and request permission to file a motion to amend his Complaint. That letter request to Judge Bianco must be submitted no later than February 22, 2017.

2. At the request of plaintiff McClurkin, the Court is forwarding to him copies of DE 22 and 23 since he states that these papers were taken from him when he was transferred from Suffolk to the Nassau County Correctional Center.

3. Based on the damages that the plaintiff is asserting, defendants' counsel needs signed HIPAA releases in order to obtain plaintiff's medical records. Attorneys Zwilling is sending those HIPAA releases promptly to plaintiff McClurkin. Mr. McClurkin must sign those forms and return them immediately to Attorney Zwilling. Defendants' counsel is directed to serve the HIPAA forms on the medical providers immediately upon their receipt from Plaintiff. If counsel has not received the records within 45 days of service of the HIPAA releases and after at least one appropriate follow-up with the provider, then counsel is directed to contact the Court and submit the name and address of the provider to obtain an Order to be served on the provider.

4. Plaintiff has requested certain video footage of the underlying incidents. According to the plaintiff, the dates of the assault incidents at issue are: May 8, 2015 (holding pen at Yaphank facility); June 22, 2015 (first floor holding area at Riverhead jail); and January 28, 2016 (A-block at Yaphank facility). I have directed Attorney Zwilling to check with their clients regarding the

footage and each of these facilities and to report back to the Court 30 days. If there was footage available, the Court expects them to be produced it to the plaintiff within 45 days.

5. The plaintiff is also apparently seeking copies of telephone messages/telephone transcriptions of calls he states that he made to his family members and which discuss the assault incidents against him. Since the request itself and the timing of the information plaintiff is seeking was unclear to the Court, I directed plaintiff McClurkin to file a letter motion outlining exactly what he is looking for along with any relief he seeks from the Court. Among other things, Mr. McClurkin will need to provide the specific dates for these purported conversations.

6. Further discovery cannot proceed until the issue of amending the complaint is resolved. As noted, that application has to be made directly to Judge Bianco. The Court will set the next conference once that issue is resolved.

7. The Court is directing Attorney Zwilling to serve a copy of this Order upon the pro se plaintiff forthwith and to file proof of such service on ECF.

The Court is also sending a copy of this Order to the plaintiff, along with copies of DE 22 and 23 as noted.

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge